

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:**

**KELLEY HYDRAULICS, INC.  
  
DEBTOR.**

§  
§  
§  
§  
§

**CASE NO. 21-33269**

---

**EMERGENCY MOTION TO CONTINUE MARCH 7, 2022  
CONFIRMATION HEARING (RE: DOCKET NO. 48)**

---

TO THE HONORABLE MARVIN ISGUR, U.S. BANKRUPTCY JUDGE:

Kelley Hydraulics, Inc., Debtor and Debtor in Possession, files this *Emergency Motion to Continue March 7, 2022 Confirmation Hearing* and in support thereof would show to the Court the following.

1. Debtor seeks to continue the confirmation hearing currently set on March 7, 2022 at 9:30 a.m. to a date on or after March 21, 2022 (but not March 30, 2022).<sup>1</sup>
2. Sufficient cause exists to continue the confirmation hearing including but not limited to the following.
3. The Debtor continues to negotiate with the first lien holder, NLCG, and progress has been made with respect to agreeable terms. Additional time is necessary to (1) work on final details and/or (2) arrive at an agreeable form of modification.
4. Meanwhile, the Debtor has received a transaction history from NLCG, and Mr. Kelley is reviewing and/or verifying the application of payments and accrual of interest to date.
5. With the additional time, the Debtor believes that a consensual plan is within reach.

---

<sup>1</sup> The undersigned is scheduled to be in El Paso on March 30, 2022 for a confirmation hearing (txwb 21-30107).

6. The Debtor has communicated with each of NLCG, the local tax authorities represented by Perdue Brandon, and Mr. McManigle, and each of the foregoing parties is unopposed to continuing the hearing to date on or after March 21, 2022.

7. Debtor does not seek the relief requested herein merely for purposes of delay.

8. A proposed form of order accompanies this Motion and is incorporated by reference herein.

WHEREFORE, Kelley Hydraulics, Inc., Debtor and Debtor in Possession, respectfully requests that the Court reschedule the confirmation hearing to a date on or after March 21, 2022 (but not on March 30, 2022). Debtor requests such other and further relief to which Debtor is entitled at law or in equity.

Dated: March 2, 2022

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth

JEFF CARRUTH (TX SBN:. 24001846)

3030 Matlock Rd., Suite 201

Arlington, Texas 76105

Telephone: (713) 341-1158

Fax: (866) 666-5322

E-mail: [jcarruth@wkpz.com](mailto:jcarruth@wkpz.com)

ATTORNEYS FOR KELLEY HYDRAULICS, INC.,  
DEBTOR AND DEBTOR IN POSSESSION

#### **CERTIFICATE OF CONFERENCE**

The Debtor through the undersigned has communicated with the parties who are actively involved in the Plan process to date, as set forth in Paragraph No. 6 above. All such parties are unopposed to rescheduling the confirmation hearing.

/s/ Jeff Carruth

Jeff Carruth

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served on March 2, 2022 as set forth in the attached service list.

/s/ Jeff Carruth

JEFF CARRUTH

Kelley Hydraulics, Inc. -- MODIFIED SERVICE LIST January 25, 2022					
Address1	Address1	Address3	Address4	Address5	METHOD OF SERVICE
Kelley Hydraulics, Inc	17933 FM 362			Waller, TX 77484-9397	Direct email
Next Level Capital Solutions, LLC	c/o Alexander Perez	Hughes Watters Askanase	1201 Louisiana, 28th Fl	Houston, TX 77002-5607	NOA-ECF
WALLER COUNTY, et al					undeliverable
Harris County, et al.	c/o John P. Dillman	Linebarger Goggan Blair & Sampson	P O Box 3064	Houston, TX 77253-3064	NOA-ECF
Internal Revenue Service	7200 N MoPac, Suite 120			Austin, TX 78731-3058	Regular mail
INTERNAL REVENUE SERVICE	CENTRALIZED INSOLVENCY OPERATIONS	PO BOX 7346		Philadelphia, PA 19101-7346	n/a -duplicate
Internal Revenue Service	Special Procedures Staff - Insolvency	P. O. Box 7346		Philadelphia, PA 19101-7346	Regular mail
Joe Kelley	17933 FM 362			Waller, TX 77484-9397	Direct email
NLCG Private Lending Fund, LLC	2200 Market St, Suite 412			Galveston, TX 77550-1532	NOA-ECF
Peter J. Sapio Jr	Doyle Law Firm	6710 Stewart Rd #300		Galveston, TX 77551-2216	n/a - NLCG prepetition counsel
Securities & Exchange Commission	Attn: Angela Dodd	175 W. Jackson Blvd.	Suite 900	Chicago, IL 60604-2908	Regular mail
US Trustee	Office of the US Trustee	515 Rusk Ave	Ste 3516	Houston, TX 77002-2604	NOA-ECF
WALLER COUNTY	730 9TH STREET			HEMPSTEAD TX 77445-4534	NOA-ECF
Waller County School District	1918 Key St			Waller, TX 77484-8400	NOA-ECF
Drew McManigle	Chapter 11 Trustee	700 Milam, Suite 1300		Houston, TX 77002-2736	NOA-ECF
Jeffery Dayne Carruth	Weyer Kaplan Pulaski & Zuber, P.C.	24 Greenway Plaza, #2050		Houston, TX 77046-2445	n/a

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	
	§	
<b>KELLEY HYDRAULICS, INC.</b>	§	<b>CASE NO. 21-33269</b>
	§	
<b>DEBTOR.</b>	§	

---

**ORDER GRANTING EMERGENCY MOTION TO CONTINUE  
CONFIRMATION HEARING (RE: DOCKET NOS. 48, 57)**

On this day came on for consideration the *Emergency Motion to Continue Confirmation Hearing* (Docket No. 57) (the “Motion”) filed herein on March 2, 2022 by Kelley Hydraulics, Inc., Debtor and Debtor in Possession. The Court finds and concludes that the sufficient cause exists to grant the Motion.

**IT IS THEREFORE ORDERED THAT:**

1. The hearing to consider the Chapter 11 plan of the Debtor (Docket No. 32) set for March 7, 2022 at 9:30 a.m. pursuant to the prior Order of the Court (Docket No. 48) is rescheduled to the date, time, and location set forth above at the top of this Order and/or on the docket of this case. The Debtor is responsible for notice.

Dated: \_\_\_\_\_

---

THE HON. MARVIN ISGUR  
UNITED STATES BANKRUPTCY JUDGE